

## **ISSUE PAPER CSO NOTIFICATION RULE**

### **ISSUE**

Senate Enrolled Act 431, which became effective March 17, 2000, mandates that IDEM adopt a rule establishing requirements for community notification by National Pollutant Discharge Elimination System (NPDES) permit holders of the potential health impact of combined sewer overflows whenever information from any reliable source indicates that:

1. A discharge or discharges from one (1) or more combined sewer overflow points is occurring; or
2. a reasonable likelihood exists that a discharge or discharges from one (1) or more combined sewer overflow points will occur within the next twenty-four (24) hours.

### **CURRENT APPROACH**

The National CSO Policy and Indiana CSO Strategy require CSO municipalities to provide notification of CSO discharges and their impacts. This is a requirement of the Nine Minimum Technology-Based Controls. The Indiana CSO Strategy addresses this issue by specifically requiring CSO municipalities to post signage at CSO outfall locations. The text of the sign must clearly state the following:

### **NOTICE**

**This is a combined sewer overflow outfall.  
The Water can become polluted during or after rain events or snowmelt.  
In the event of discharges from this outfall during dry weather or for more  
detailed information please call [insert local sewer authority and phone number]  
CSO OUTFALL [insert NPDES outfall #]**

All of the 105 Combined Sewer Overflow communities are required by permit to provide this type of notification. Final permits for the remaining CSO communities will contain similar requirements.

### **CSO Notification Rule**

First Notice of Rulemaking was published in the July 1, 2000, Indiana Register. There was one (1) set of comments received.

The next step in the rulemaking is to develop draft rule language for publication in the Indiana Register for public comment. IDEM would like to provide informal input on the approach of the draft rule language. IDEM will seek input through several informal focus meetings and by accepting written comments on this issue paper.

IDEM intends to prepare draft rule language for the public's review in September 2001.

## **Options for Notification Rule**

IDEM staff has conducted some research to identify approaches used within a number of states and discussed with U.S. EPA Headquarters. To date, most communities appear to rely solely on signage at the CSO outfall locations as their means of giving CSO notification. An exception is Cleveland, Ohio where they fly a CSO Threat Flag at marinas to alert boaters of the potential hazards of coming in contact with CSO impacted waters. The effectiveness of reducing exposure to potential threats of this CSO Threat Flag program has not been evaluated.

IDEM believes that a number of factors should be considered in any community plan to provide notification to citizens on CSO discharges. Such notification should be effective for the entire community, be practical to implement and should not place a burden on the public or the communities.

One option is to include within a rule, and subsequently in the NPDES permit, a requirement that each CSO community must develop a CSO Public Notification Plan for review and approval by IDEM. The plan would have to consider a number of options outlined in the rule and any other potentially effective notification methods. The plan would also have to undergo appropriate community involvement and discussion to assure that the wishes of the affected citizens within the community are considered in the plan.

Options for a community could include combinations of the following approaches:

1. Continue to use signage at CSO Outfall locations as required by the Indiana CSO Strategy (already required and should be maintained).
2. Provide notification during the time of the CSO event to the community by way of a phone auto-dialing system linked to the wastewater treatment facility to ensure that affected individuals have the ability to take effective precautions against the threats posed by combined sewer overflows.
  - Alert parents and residents in neighborhoods near the affected water body who need the notice so they can take extra efforts to keep their children and pets away from the water body until the hazard subsides.
  - Give warning at common access points to alert anglers and others using the affected water body who may choose to avoid the use of the water body or, at least, reduce exposure to the hazards posed by the CSO.
  - Alert administrators of schools near the affected water body so they can take steps to keep their students away from the water body.
  - Alert persons or downstream communities that withdraw water from the affected water body.

3. Post CSO threat condition warning signs, such as those used in State and National Parks to warn of fire danger, at all locations where the public has access to an affected water body.
4. Utilize the media, television, radio, or newspapers to provide a predictive notification based on anticipated rainfall.
  - All CSO communities are required to determine what intensity, frequency, and duration of a precipitation event will likely cause a CSO discharge.
  - Indiana residents are familiar with media notification of a potential environmental threat. Ozone Action Days are gaining widespread recognition and not only provide a warning of a potentially high ozone day but also measures that may be taken by residents to minimize or prevent the formation of ozone.
5. Implement an education campaign to effectively communicate to affected persons to avoid contact with an affected stream during or after certain types of weather events.

The specific measures included within a Community Public Notification Plan could be determined after consideration of some of the following factors:

- Type and extent of media coverage available in the affected area.
- Presence of existing uses of full body contact recreation of an affected water body.
- Identification of areas along the affected water body where the potential for contact exposure may occur.
- Evaluation of the safety of and accessibility of the affected water body.
- Water quality goals established by the community after public education and participation in Long Term Control Plan (LTCP) development.
- The preferences of the public in the affected community.

All residents of a community that has streams impacted by CSO discharges have the right to know that CSO discharges are likely to occur or have occurred and the potential affects of coming into contact with these impacted waters. A notification program that is focused solely on physical proximity to an affected water body does not serve the entire community. Such a program could fail to notify other residents that do not live close to affected water bodies but who may venture to these affected areas to hike, fish, or otherwise recreate. The entire community that makes up the rate base for the wastewater utility will have to finance the abatement of CSO impacts, and therefore has a stake in this notification program. A **predictive notification** based on the principles of the Ozone Action Day may be best in many situations to provide effective communication to the entire community.